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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.   |
|--|-------------|----------------------|---------------------|--------------------|
| 10/814,390   | 03/30/2004  | Peter E. Hand        | 41286.00034         | 5402               |
| 7590   | 02/02/2006  |                      | EXAMINER            | SHAPIRO, JEFFERY A |
| David B. Abel, Esq.<br>SQUIRE, SANDERS & DEMPSEY, LLP<br>14th Floor<br>801 South Figueroa<br>Los Angeles, CA 90017 |             |                      | ART UNIT            | PAPER NUMBER       |
|  |             |                      | 3653                |                    |
| DATE MAILED: 02/02/2006  |             |                      |                     |                    |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <i>Office Action Summary</i> | Application No.<br>10/814,390  | Applicant(s)<br>HAND ET AL. |
|------------------------------|--------------------------------|-----------------------------|
|                              | Examiner<br>Jeffrey A. Shapiro | Art Unit<br>3653            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION IS [REDACTED]

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11/21/05.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/2/04 & 2/25/05.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 5 and 7 are objected to because of the following informalities: the term "vending machine controller" is referred to as "VMC". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how a vending machine can vend items including itself. See Claim 1, line 1.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al (US 6,363,164 B1).

As described in Claim 8, Jones discloses an automated teller machine (ATM) as shown in figures 1b-d, that has a processor-based controller and coin receipt and return functions. Note that Jones' ATM can be construed to be a vending machine since ATMs vend bills and coins to customers. See Jones, figure 1a and col. 6, lines 22-46, which indicates that a customer's deposit may be returned in either coins, bills or both, and that controller (10) causes the dispensing unit (22) to dispense funds to a user. Figure 1e, for example, illustrates dispenser (22), communications panel (26), image scanner (12), input receptacle (16), transport mechanism (18), and output receptacles (20a and b), all controlled by processor-based controller (10). Controller (10) also directs information from scanner (12), discriminator (14) to interface (24) which communicates further with remote accounting systems. Jones also discloses a front-end processor (6038) in figures 1u and 1v. See col. 11, lines 35-64. Jones at col. 16, line 56-col. 17, line 30 discloses scanning a bill for various image features and comparing them with stored information. See also Jones at col. 20, line 26-col. 22, line 15, noting EPROM (934), illustrated in figure 4a, and CPU 930. See also Jones at col. 22, lines 30-56 and col. 26, lines 30-56. Jones at col. 27 line 56-col. 28 line 67 and col. 29 line 33-col. 30, line 26 describes microprocessor (212) storing obtained optical image and magnetic data from bills and comparing them with stored patterns stored for example in read only memory (232). Jones also discloses an escrow holding area in col. 77, lines 51-54.

As described in Claim 9, Jones further discloses a display (2402) in the form of a touch screen with various currency denominations the machine control will allow to be

processed displayed as keys (2406a-g). See figure 50a or 57b as well as col. 66, lines 23-45, col. 72, line 60-col. 73, line 37, and col. 80, lines 49-59.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US 6,363,164 B1) in view of Katou et al (US 2004/0182677 A1).

Jones discloses the ATM described above.

Jones does not expressly disclose, but Katou discloses a vending machine in the form of automated teller machine (101), having a note acceptor-dispenser (1), a bill discriminator (30), a note box (60), a note hopper (40) that temporarily stores said notes, and a transportation unit (501, 502, 503, 504) in a combination such that said notes are transported to either a note box, a temporary storage or escrow box, or through the bill discriminator. See figures 6-13, 23-26, 30a-30c and 31. Also note the direction arrows of figures 6-13, 23-26, 30a-30c and 31.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have added the transport mechanism disclosed and taught by Katou illustrated in Katou's figure 6, for example, to the transport mechanism of Jones such that said

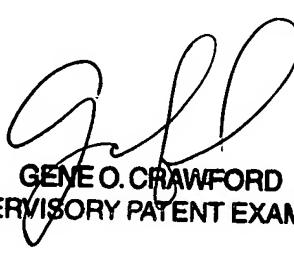
notes are transported to either a note box, a temporary storage or escrow box, or through the bill discriminator as well as from input to output receptacles.

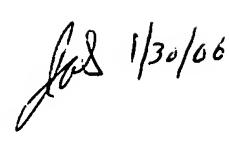
The suggestion/motivation for adding Katou's transport mechanism to Jones' would have been to prevent jamming of notes. See Katou, paragraphs 10 and 18. Further, it would have been obvious to use closed note boxes or cassettes or magazines to receive notes rather than open receptacles as Jones discloses so as to promote automation of the note handling process.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER

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Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

January 30, 2006